

FILED

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

SEP 18 AM 9:12
U.S. DISTRICT COURT
N.D. OF ALABAMA

TIMOTHY LEE BATSON,

)

Plaintiff,

)

v.

)

CV 03-H-305-S

MR. DANIELS, Warden II, et.al.,

)

Defendants.

)

Jm
ENTERED

SEP 18 2003

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on August 19, 2003, recommending that plaintiff's verbal abuse claims against defendants Daniels, Reynolds, Burg, and Kemp be DISMISSED for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. §1915A(b)(1) and/or (2). It was further recommended that plaintiff's equal protection and due process claims against defendants Daniels, Reynolds, Burg, and Kemp be referred to the undersigned magistrate judge for further proceedings. No objections have been filed by any party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. Accordingly, all of plaintiff's claims in this action except the equal protection and due process claims against defendants Daniels, Reynolds, Burg, and Kemp are due to be DISMISSED pursuant to 28 U.S.C. 13

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§1915A(b). Further, said equal protection and due process claims against defendants Daniels, Reynolds, Burg, and Kemp are due to be REFERRED to the magistrate judge for further proceedings.

An appropriate Order will be entered.

DONE this 18th day of September, 2003.



JAMES H. HANCOCK
SENIOR JUDGE